

No. 28-R(a)/92/76.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expense, for a public purpose, namely, for constructing a road from Nandal to Nidhana via Dhanana in Rohtak District, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under Section IV of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file, an objection in writing before the Land Acquisition Officer, Haryana, P.W.D., B&R Branch, Ambala.

Name of district	Name of tehsil	Name of village	Area in acres	REMARKS
Rohtak	Gohana	Nandal	4.32	As demarcated at site
		Dhanana	18.73	
		Rindhana	1.47	
		Total	24.52	

T.S. LAMBA,
Superintending Engineer,
Gurgaon Circle, P.W.D., B. & R. Branch.

LABOUR DEPARTMENT

The 13th September, 1968

No. 8527-Lab-68/23429.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Krishna Emfastner (P) Ltd., Faridabad:—

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER- LABOUR COURT, FARIDABAD

Reference No. 17 of 1968

Between

The workmen and the management of M/s Krishna Emfastner (P) Ltd, Faridabad.

Present.—

Shri R.L. Sharma, for the workmen.
Shri D.N. Vohra, for the management.

AWARD

Shrimati Morni Bhai and Vidhya Vanti were in the service of M/s Krishna Emfastner (P) Ltd, Faridabad. Their services were terminated and this gave rise to an industrial dispute. The parties agreed that their dispute regarding the validity of the termination of the services be referred for arbitration to this Court. Accordingly the President of India in pursuance of the provisions of sub section (3) of Section 10A of the Industrial Dispute Act, 1947 was pleased to publish the arbitration agreement arrived at between the workmen and the management of M/s Krishna Emfastner (P) Ltd, Faridabad. The specific matter in dispute referred for arbitration to this Court is as under:—

Whether the dismissal of Shrimati Morni Bhai and Vidya Vanti were justified and in order? If not, to what relief they are entitled?

On receipt of the reference notices were issued to the parties in response to which a statement of claim was filed on behalf of Shrimati Morni Bhai only and the management filed their written statement. It was pleaded that on behalf of the claimant she was employed on 8th November, 1966 on Rs 100 P.mth but the management terminated her services a number of times so that she may have no chance to become permanent. On behalf of the management a preliminary objection was raised that only Shrimati Morni Bhai and Vidya Vanti were aggrieved by reason of the termination of their services and there was no industrial dispute between the workmen and the management and, therefore, the reference made by Government of Haryana was bad in law and this Court had no jurisdiction to decide the same. On merit it was pleaded that Shrimati Morni Bhai was engaged as a temporary thread cutter (checking) on 1st September, 1967 and her services were terminated on 14th November, 1967.

as her services were no longer required and the amount due to her was paid. As regards Shrimati Vidya Wanti it was pleaded that she was also employed on 1st September, 1967 as a temporary thread cutter and she also became surplus and so her services were terminated on 15th November, 1967. It was pleaded that both the claimants were temporary employees and therefore they were not entitled to any notice or retrenchment compensation. The following issue was framed.

Whether the claimant Shrimati Morni Bhai and Vidya Wanti were temporary workmen and their services were rightly terminated because their services were no longer required and they were not entitled to any notice ?

On the request of the management the following additional issue was subsequently framed :—

Whether for the reasons mentioned in the written statement there is no industrial dispute ?

Issue No. 1.—The main question for the determination in this case is whether the claimant had remained in continuous service of the respondent for a period of one year or more as defined in section 25(b) of the Industrial Disputes Act because if that be so then obviously the termination of their services would not be legal because they have been retrenched from services without giving them any prior notice or retrenchment compensation as provided in section 25 F of the Industrial Disputes Act, 1947.

In order to prove that the claimants were in service for a period of two and a half months only prior to their retrenchment the management have examined two witnesses, namely, Mrs. D'souza, M.W. 1, typist and Gulab Singh, M.W. 2, Accountant, employed by them. Mrs. D'souza produced the attendance cards of the claimants which are marked Exhibit M.1 to Exhibit M.5. The claimants are shown as temporary workers in these cards. Mrs. D'souza stated that the claimants were employed for thread cutting and this work is not of permanent nature. Shri Gulab Singh, M.W. 2, has stated that both the claimants were employed on 1st September, 1967 and their services were terminated on 14th November, 1967 and they were paid their dues in full and final settlement.

The case of the claimants on the other hand is that Shrimati Morni Bhai was employed sometime in the month of August, 1966 while Shrimati Vidya Wanti was employed on 7th December, 1966. We have already seen that in the statement of claim filed on behalf of Shrimati Morni Bhai it was pleaded that she was employed for the first time on 8th November, 1966 and that the management terminated her services many times so that she may not have any chance to become permanent. Shri Gulab Singh in cross-examination was asked as to when the claimants were appointed for the first time. He admitted that the claimants worked in the respondent concern prior to 1st September, 1967 but he had not brought the service record. The representative of the management also realised the necessity of producing the previous service records of the claimants and sought the permission of the Court to examine Shri Gulab Singh further on this point. This permission was given. Shri Gulab Singh in his supplementary statement stated that Shrimati Vidya Wanti was employed on 7th December, 1966 and she left the service of her own accord on 25th October, 1967. He stated that she was re-employed on 1st May, 1967 but she again left the service of her own accord on 31st March, 1967 and she was re-employed on 1st September, 1967 but her services were terminated on 28th October, 1967. Shri Gulab Singh stated that she was again re-employed on 1st November, 1967. Shrimati Vidya Wanti in her statement also admitted that she was employed in the respondent concern for the first time on 7th December, 1966. Thus there is no conflict between the parties on this point. Shrimati Vidya Wanti maintains that there was no break in her services from 7th December, 1966 to 14th November, 1967 but we have already seen that according to the management there were number of breaks in her service. It was therefore considered necessary to direct the management to produce the payment of wages register and also attendance register for the relevant period in order to ascertain the correct position. The management produced the registers which were inspected by Shri R.L. Shrama, representative of the workmen and after inspecting them he had nothing to say against their genuineness. On the other hand he admitted that according to the entries in the register the name of Vidya Wanti did not appear anywhere prior to 7th December, 1966 and the name of Shrimati Morni Bhai did not appear before November, 1966 although according to the version of Morni Bhai she was employed some time in the month of August, 1966 and she remained in continuous service for about a year and four or five months. The oral testimony of the claimants that they had remained in continuous service is not corroborated by any of the record of the respondent concern. On the other hand it is proved by the statement of Shri Gulab Singh that the number of workmen employed for thread cutting fluctuates from time to time. He has prepared a chart Exhibit M.W. 2/1 showing the number of thread cutters employed in the respondent concern from the month of December, 1966 to November, 1967. It appears from the chart that there were two thread cutters in the month of December, four in January, three in February, five in March, seven in April, three in May, four in June and July, nil in August, one in September, five in October and nil in November. Shri Gulab Singh has further clarified that the management have imported a machine for thread cutting from Italy and it has been brought into use from the month of November, 1967 and for this reason they do not need any thread cutter. Under these circumstances it cannot be held that the termination of the services of the claimant was unjustified. Since it is not proved that they had put in continuous service for one year or more as defined in section 25(b) of the Industrial Disputes Act, they were not entitled to any prior notice or retrenchment compensation. The claimants were therefore not entitled to any relief. I find this issue against the claimants.

Issue No. 2.—Under section 2A of the Industrial Disputes Act, if a workman is aggrieved by the reason of the termination of his services he can raise an industrial dispute even if no other workmen or union of workmen espouse his cause. It cannot therefore be said that there was no industrial dispute between the parties. I find this issue in favour of the claimants.

In view of my decision on issue No. 1, I am of the opinion that the termination of the services of Shrimati Morni Bhai and Vidya Wanti was justified and in order and they are not entitled to any relief. No order as to costs.

No. 1530, dated the 29th August, 1968

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 9th August, 1968.

No. 8711-3Lab-68/23484.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s. Indo-Austro Corporation (P) Ltd., Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD
Reference No. 59 of 1968

between

SHRI HARI DEV SHARMA, WORKMAN AND THE MANAGEMENT OF M/S. INDO-AUSTRO CORPORATION (P) LTD., FARIDABAD

Present :—

Shri Ashok Kumar, for the workman.

Shri S. L. Gupta, for the management.

AWARD

Shri Hari Dev Sharma was in the service of M/s. Indo-Austro Corporation (P) Ltd., Faridabad. His services were terminated and this gave rise to an industrial dispute. The Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, —*vide* GOVERNMENT GAZETTE Notification No. ID/FD/15927-31, dated the 27th June, 1968.

Whether the termination of services of Shri Hari Dev Sharma was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. The case was fixed for hearing on 4th September, 1968. An application purporting to be from the workman has been received in which he has stated that he has received Rs 350 from the management in full and final settlement of his claim and that he has given up his claim for reinstatement and he has now no dispute with the management. The representative of the workman had no instructions. Shri S. L. Gupta on behalf of the management has stated that the workman has been paid Rs 350 in full and final settlement of his claim and he has given up his claim for reinstatement and now there is no dispute between the parties.

Since the workman has not appeared and urged anything in support of his allegation, it must be held that the termination of his services cannot be said to be unjustified. I give my award accordingly. No order as to costs.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 4th September, 1968.

No. 1605, dated the 10th September, 1968.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 4th September, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 8709-3Lab-68/23486.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s. Indian Metal Industries, Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

REFERENCE NO. 50 OF 1968

between

SHRI HARI RAM, WORKMAN AND THE MANAGEMENT OF M/S. INDIAN METAL INDUSTRIES, FARIDABAD

AWARD

Shri Hari Ram was in the service of M/s Indian Metal Industries, Faridabad. His services were terminated and this gave rise to an industrial dispute. The President of India in exercise of the powers

conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, — *vide* Government Gazette Notification No. ID/ FD/28H/ dated 21st May, 1968:—

Whether the termination of services of Shri Hari Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. On behalf of the management it was pleaded that the workman was continuously absent from the month of August and September and ultimately abandoned his service and accepted a post-dated bearer cheque in full and final settlement of his claim. Later on he accepted the cash payment in lieu of this cheque. The workman has been given a number of opportunities to appear in person and admit or deny this assertion. The workman has not appeared. His representative Shri R. L. Sharma has made a statement that he has not been able to contact him and he has no instruction to proceed further in the case. In view of the allegations in the written statement that the workman had accepted Rs 280.03 in full and final settlement of his claim which has not been contradicted. I hold that the applicant is not entitled to reinstatement and he is not entitled to any relief. No order as to costs.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 2nd September, 1968.

No. 1600, dated 10th September, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 2nd September, 1968.

No. 8714-3Lab-68/23488.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Sood and Company, Kalka:—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD
Reference No. 99 of 1967

between

SHRI GURDAS SINGH, WORKMAN, AND THE MANAGEMENT OF M/S SOOD AND COMPANY, KALKA

Present—

Shri Om Parkash, with Shri Gurdas Singh, claimant.

Nemo, for the management.

AWARD

Shri Gurdas Singh was in the service of M/s Sood and Company, Kalka, as a Driver at Rs 175 Per mensem. His services were terminated and this gave rise to an industrial dispute. The Government of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, — *vide* Government Gazette Notification No. 484-SFIII-Lab-67/ dated 19th October, 1947:—

Whether the termination of services of Shri Gurdas Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed a statement of claim but no body appeared on behalf of the management on 30th December, 1967, which was the date fixed for hearing of the case. The registered envelope sent to the management was received back unserved. It was, therefore, ordered that fresh notice be issued for 27th January, 1968. This notice was received by one Lakh Raj on behalf of the management but the representative of the workman was not then in a position to state whether Shri Lakh Raj the alleged recipient not of the notice was an employee of the respondent company. He was directed to obtain necessary instructions and file the necessary affidavit. At the same time a fresh notice was issued for 28th February, 1968. On the date fixed no body again appeared on behalf of the management and the representative of the workman stated that the management was intentionally not accepting the service. Since no affidavit to this effect was filed, it was ordered that fresh notice be issued but still the service could not be effected. The workman has filed an affidavit that the management is intentionally avoiding service and one of the notices issued by the Court was actually received by Shri Mast Ram, Manager of the respondent company, but he did not sign the postal receipt and got it signed by Shri Lakh Raj, one of his drivers.

It is clear from the affidavit filed by the workman that service has been affected on the management but they are intentionally avoiding to appear in the Court. The workman was, therefore, directed to produce evidence in support of his case. He has produced one Shri Jai Dev who states that he has also been in the service of the respondent company for 4 years and he left the service only in October, 1967. He says that the claimant was employed by the respondent company as a driver on Rs 175 per mensem. and he has been in their service for a year and a half and that his services were terminated without giving him

any charge-sheet or prior notice. The workman has also appeared in evidence in support of his case and has stated that he joined the respondent company as driver on Rs 175 per mensem in the month of January, 1965, and he has been in their service for about a year and a half. He says that his salary was in arrears, and when he asked for his pay, his services were terminated. It is, therefore, satisfactorily established that the termination of his services was not justified and in order. He is entitled to be reinstated with full back wages and continuity of service.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 9th September, 1968.

No. 1619, dated the 10th September, 1968.

Forwarded (four copies) to the Secretary to Government- Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 9th September, 1968.

No. 8701-3Lab-68/23498.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s National Cable Co., Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 38 of 1968

between

SHRI JAGMOHAN LAL, WORKMAN, AND THE MANAGEMENT OF M/S NATIONAL CABLE Co., FARIDABAD

Present—

Nemo, for the workman.

Shri D. R. Gupta, with Shri Tara Chand, Manager, for the management.

AWARD

Shri Jagmohan Lal was in the service of the M/s National Cable Co., Faridabad. His services were terminated and this gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, — *vide* Gazette Notification No. ID/FD/355A/ , dated 23rd March, 1968:—

Whether the termination of services of Shri Jagmohan Lal was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties by registered cover acknowledged due. The dispute on behalf of the workman was raised by Faridabad Engineering Workers Union, N. I. T. Faridabad. In the order of reference also the address of the claimant was mentioned as C/o Faridabad Engineering Works Workers Union. There is no other address with the Court and so the notice under registered cover was given on this address. The notice issued to the claimant has been accepted by the Secretary of the union but no body has appeared on behalf of the claimant. Shri Tara Chand, Manager of the respondent firm, appeared on behalf of the management. He filed his written statement. The following issues arose :—

- (1) Whether the reference is invalid because the claimant Shri Jagmohan Lal was employed in purely managerial and administrative duty?
- (2) Whether this Court has no jurisdiction because the registered office of the respondent firm is at Delhi?
- (3) Whether the claimant Shri Jagmohan Lal was relieved of his duty with immediate effect on his own request?

Issue No. 1.—Shri Tara Chand has stated that the claimant Shri Jagmohan Lal was employed as an Assistant Manager and he discharge his duties which was purely of a managerial and administrative nature. Since there is no indication in the notice of demands given by the claimant on which the reference has been made nor there is any other material on the record to show that the claimant was not employed mainly in a supervisory capacity, it must be held that the claimant does not fall within the definition of a workman as defined in clause (s) of section 2 of the Industrial Disputes Act, 1947.

Issue No. 2.—Shri Tara Chand Manager of the respondent firm has stated that the registered office of the respondent firm is in Delhi and that they have not employed any Manager in the Faridabad factory and therefore the Government of Haryana has no jurisdiction to refer this dispute to this Court. There is no force in this objection. It is the case of the management itself that the claimant Shri Jagmohan Lal was employed at Faridabad in a purely supervisory and managerial capacity. This means there is a branch office in Faridabad which controls the factory and in case the claimant had been a workman then the Government of Haryana would have had jurisdiction to refer the dispute, I find this issue in favour of the workman.

Issue No. 3.—Shri Tara Chand Manager have stated that the services of the claimant were not terminated by the management but the claimant himself desired that he may be relieved of his duties and so his services were terminated at his own request and his accounts squared off. There is no material on the record to show that the management was responsible for terminating the services of the claimant. Under these circumstances the termination of the services of the claimant cannot be said to be unjustified and this for this reason also he is not entitled to any relief. I give my award accordingly. No order as to costs.

Dated the 21st May, 1968.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

No. , dated .

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 21st May, 1968.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

No. 8710-3Lab-68/23500.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Today and Tomorrow Printers and Publishers, Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 46 of 1968

between

SHRI SUNDER LAL WORKMAN AND THE MANAGEMENT OF M/S TODAY AND TOMORROW PRINTERS AND PUBLISHERS, FARIDABAD

AWARD

Shri Sunder Lal was in the service of M/s Today and Tomorrow Printers and Publishers, Faridabad. His services were terminated. This gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute to this Court for adjudication, — *vide* Government Gazette Notification No. ID/FD/346A/ , dated 7th May, 1968 :—

Whether the termination of services of Shri Sunder Lal was justified and in order. If not, to what relief is he entitled ?

It is not necessary to go into the merits of the case. A compromise has been effected between the parties and the workman had received Rs 82. He has given up his claim for reinstatement and has not other claim against the management. Since the workmen has led no evidence in support of his claim it can not be said that the termination of the services of the workman was not justified. I give my award accordingly. No order as to costs.

Dated the 2nd September, 1968.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

No. 1599, dated the 10th September, 1968

Forwarded four copies to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 2nd September, 1968.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

R. I. N. AHOOJA, Secy.